

IFW 1636

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Havenga et al.

Serial No.: 09/348,354

Filed: July 7, 1999

For: CHIMAERIC ADENOVIRUSES

Confirmation No.: 5117

Examiner: M. Marvich

Group Art Unit: 1636

Attorney Docket No.: 2578-4123.2US

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 4, 2003
Date

Betty Vowles
Signature

Betty Vowles
Name (Type/Print)

**STATEMENT UNDER 37 C.F.R. §§ 1.821 THROUGH 1.825
AND RESPONSE TO NOTICE TO COMPLY**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to Comply of November 20, 2003 (a copy of which is enclosed), please amend the above-identified application as follows:

Statement Under 37 C.F.R. §§ 1.821 through 1.825 begins on page 2.

Amendments to the Drawings begin on page 3.

Remarks begin on page 4.

Statement Under 37 C.F.R. §§ 1.821 through 1.825:

I, Andrew F. Nilles, an attorney registered to practice before the United States Patent & Trademark Office and attorney of record for this application, state that:

1. The enclosed paper copy of the substitute SEQUENCE LISTING, as well as the enclosed copy of the substitute SEQUENCE LISTING in computer readable form (CRF), are included herewith to comply with the requirements of 37 C.F.R. §§ 1.821 and/or 1.825 as requested by the Examiner.

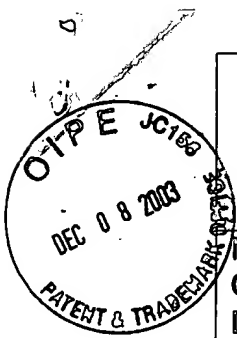
2. The enclosed copy of the substitute SEQUENCE LISTING in computer readable form (CRF) is believed to be the same as the paper copy of the substitute SEQUENCE LISTING.

3. The SEQUENCE LISTINGS submitted herewith are believed to contain no "new matter" with regard to the referenced patent application.

Serial No. 09/348,354

Amendments to the Drawings:

The attached sheets of drawings include changes to Figure 6 and Figure 9. These sheets replace the original sheets. In both figures, previously omitted SEQ ID NOs have been added. Figure 6 has been enlarged.



| | | | |
|-------------------------|-----------------|----------------|--|
| Notice to Comply | Application No. | Applicant(s) | |
| | 09/348,354 | HAVENGA et al. | |
| | Examiner | Art Unit | |
| | M. Marvich | 1636 | |

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other There are sequences in Figure 9 that are not accompanied by SEQ ID NO:s.

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

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